

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: InnoSpine, Inc.Application No./Patent No.: 10/825,961Filed/Issue Date: April 16, 2004Entitled: SPINAL DIAGNOSTIC METHODS AND APPARATUSInnoSpine, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is ____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel ____, Frame ____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

2. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

3. From: _____ To : _____

The document was recorded in the United States Patent and Trademark Office at
Reel ____, Frame ____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

8/18/04

Date

(650) 996-2110

Telephone number

David R. Miller

Typed or printed name

Signature

President

Title

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

☒ Practitioners associated with the Customer Number**20350****OR**☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

| Name | Registration Number |
|------|---------------------|
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as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

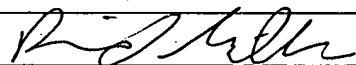
Assignee Name and Address:

InnoSpine, Inc.
 1766 Sand Hill Road #404
 Palo Alto, CA 94304

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

| | | | |
|-----------|---|-----------|----------------|
| Name | David R. Miller | | |
| Signature |  | Date | 8-18-04 |
| Title | President | Telephone | (650) 996-2110 |

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, DAVID R. MILLER of 1766 Sand Hill Road, #404, Palo Alto, CA 94304; TODD ALAMIN of 168 Eleanor Drive, Woodside, CA 94062-4392; PETER F. CAMPBELL of 246 Frangipani Court, San Jose, CA 95111 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: SPINAL DIAGNOSTIC METHODS AND APPARATUS

Date(s) of execution of Declaration: _____

Filing Date: April 16, 2004

Application No.: 10/825,961; and

WHEREAS, InnoSpine, Inc., a corporation of the state of Delaware, located at 1766 Sand Hill Road, #404, Palo Alto, CA 94304, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

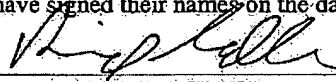
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

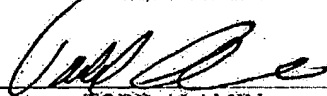
Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 8/18/04

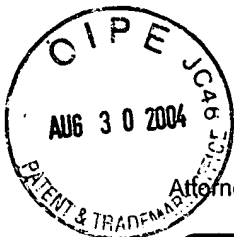

DAVID R. MILLER

Dated: 8/18/04


TODD ALAMIN

Dated: 8/18/04


PETER F. CAMPBELL



Attorney Docket No.: 022175-000200US

PTO/SB/01A (08-03)

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention SPINAL DIAGNOSTIC METHODS AND APPARATUS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/825,961, filed on April 16, 2004,
- ☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 DAVID R. MILLER Date: 8/18/04
Signature: *David R. Miller* Citizen of: United States

Inventor 2 TODD ALAMIN, M.D. Date: 8/18/04
Signature: *Todd Alamin* Citizen of: United States

Inventor 3 PETER F. CAMPBELL Date: Aug 13, 2004
Signature: *Peter F. Campbell* Citizen of: United States

Inventor 4 _____ Date: _____
Signature: _____ Citizen of: _____

☐ Additional inventors are being named on additional form(s) attached hereto.